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Visiting at the Diagnostic and Evaluation Center		

This Operational Memorandum is to be made available in the Inmate Law Library.

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APPROVED:



Fred Britten, Warden
Diagnostic and Evaluation Center

SUMMARY OF REVISION

Minor Word changes throughout. Deleted: *line 3, paragraph E, Section III*. Added: the victim will not be allowed to visit, while the inmate is house at DEC. Also the parent of a minor aged child, who is the victim, will not be allowed to visit while the inmate is housed at DEC. Added: *Section IV paragraph A*. Inmates are allow only one visiting session per week. Added: *Section VI Paragraph B*. However one session must include the inmates regular visiting schedule. Added: *Section XIV paragraph 1 line C*. A visitor brining a diaper wearing child must change the diaper in the presence of staff an place another diaper, which has been searched, on the Child. Added: *Section XVI, paragraph C*. At no time during the visit are inmates or visitors allowed to visit with any other inmates or visitors in the visiting room, unless prior approval is given by the Warden/Designee. Added: *Section XVIII, paragraph A, lines 18*. False of incomplete information on VRF of visiting, or attempting to visit under false identification. 19. Other reasons for denying, terminating or suspending a visit as are reasonably necessary to preserve safety, security and good order of the institution. Added: *Section XVIII paragraph B*. Signs symptoms of life threatening medical emergency, if the visitor is experiencing extreme pain, physical discomfort, or mobility issues, open or running sores. Added: language to *Section XVIII paragraph C*. The Warden/Designee will inform the visitor by letter; stating the reasons for the decision as well as length of time the suspension will last. *Changed section XXIII to reflect change in NDCS policy for Community Hospital Visits. As a general rule, inmates will not be approved to have visitors when admitted to a community hospital except for life-threatening situations and child-birth. Only under these circumstances, visits will be restricted to immediate family members on the inmates approved visiting list.*

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PURPOSE

To set forth policy for administering a visiting program that will increase opportunities for inmate self-development, rehabilitative efforts, establishment of normalized social relationships, and to maintain a safe, secure, and humane environment for inmates, staff and the public.

POLICY

This policy shall be in conformity with the Nebraska Department of Correctional Services Rules and Regulations Book, Chapter 4, Visiting. Inmates at the Diagnostic and Evaluation Center (DEC) shall have visiting privileges and shall retain such privileges for the duration of their incarceration so long as rules and regulations governing such activities are not violated.

- I. **Written information regarding procedures governing visitation will be made available to inmates within 24 hours of their arrival at the DEC. At a minimum, the information will include, but not be limited to, the following:**

- A. **Institution address/phone number, directions to the institution and information about local transportation**
- B. **Days and hours of visitation**
- C. **Approved dress code and identification requirements for visitors**
- D. **Items authorized in visiting room**
- E. **Special rules for children**
- F. **Authorized items that visitors may bring**
- G. **Special Visits (4-4499)**

NDCS Rules and Regulations Chapter 4 which contains visiting rules and procedures shall be given to each inmate and staff member. Chapter 4 shall be translated into those languages spoken by significant numbers of inmates. Signed acknowledgement of receipt of the rulebook shall be maintained in the inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a staff member or translator shall assist the inmate in understanding the rules.

- II. The following policy statements are the DEC's application of the Nebraska Department of Correctional Services (NDCS) policy statement:

- A. Supervised visits between inmates, families and friends can contribute significantly to the strengthening and maintenance of family ties, foster socially acceptable behavior and assist in improving institutional stability. The DEC therefore encourages visits as a means of facilitating the rehabilitation and socialization process. All inmates shall retain the visiting privileges described herein for the duration of their incarceration as long as they abide by the rules and regulations governing such activities.

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- B. **The number of visitors an inmate may receive and the length of visits shall be limited only by the institution's schedule, its space limitations, personnel requirements, and security consideration. Inmates shall not be denied access to visitation with persons of their choice except where the Warden believes that a given visitor could jeopardize the safety and security of the institution (4-4498).**
- C. **Sufficient space is provided for a visiting room for contact visiting. There is adequately designed space to permit screening and searching of both inmates and visitors. Space is provided for the proper storage of visitors' coats, handbags and other personal items not allowed into the visiting area. (4-4156)** In the interest of protecting the health and facilitating the comfort of visitors, inmates and staff during visiting, possession and/or use of any tobacco or tobacco products or any related equipment is prohibited for all individuals entering the institution.
- D. Visiting privileges shall be suspended only by orders from the Warden/designee, except where the suspension is imposed as part of a formal disciplinary decision.
- E. Visitors introducing or attempting to introduce contraband into the facility or refusing to submit to any kind of a search may permanently lose their visitation privileges at the DEC. Visitors who have been found introducing or attempting to introduce contraband into the DEC may be subject to prosecution under Nebraska law.
- F. The Administration reserves the right to withdraw the visiting privileges of any individual who refuses to comply with departmental rules and regulations. An inmate has the right to voluntarily delete anyone from his visiting list at any time by completing a Visitor Deletion Request and submitting it to the Unit Administrator. Any visitor who is removed from an inmate's visiting list, whether at the visitor's or the inmate's request, must wait for a period of six months from the date of removal before he/she again can be added to that inmate's visitor list or to any other inmate's visitor list. The six-month waiting period will also apply to clergy status visitors; however, the Warden may waive the six-month waiting period at the recommendation of the Religious Coordinator. In addition, he/she must resubmit a completed Visitation Request Form (VRF). In the event that the individual requesting deletion has not visited for a period of at least six months, the Warden may waive the six-month waiting period to be added to another inmate's list.
- G. NDCS recognizes the importance of providing a safe and secure visiting environment free of any abuse of visitors by the inmate population. This policy shall affect inmates who have committed crimes in which the victims were minor-aged children (under 19 years of age). The Warden shall have the authority to impose visiting restrictions on identified inmates on a case-by-case basis.
- H. The DEC Visiting Regulations shall be made available to visitors, staff and inmates so that all interested parties may be informed of the details of this program. All visitors, staff and inmates should ensure that they have access to or are in possession of copies of the current visiting regulations. Copies of all visiting regulations will be posted at the entrance of the facility and in the visiting room. The Pass Clerk will maintain current copies. Additional copies of these regulations will be maintained in the Inmate Law Library. In addition, the public may access this policy by visiting the Department's website at www.corrections.state.ne.us All procedures regarding visiting will be reviewed

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annually and updated as necessary.

- I. **SPECIAL NOTE TO INMATES, VISITORS AND ALL READERS OF THIS OPERATIONAL MEMORANDUM:** The contents of this Memorandum and all Memoranda relative to inmate visiting are intended primarily as a procedural guideline for staff to follow in implementing the facility's visiting regulations and for informing visitors and inmates of these procedures. Nothing in the regulations should in any way be interpreted or construed to mean that visiting is an automatic "right" or that regulations governing the visiting process create any rights or benefits for inmates that are not explicitly stated in Section 83-186 of the Nebraska State Statutes. In compliance with the content of that Statute, the Warden of the DEC retains full authority to permit or deny visits by members of the general public.

APPLICABILITY

This Memorandum is applicable to all divisions/departments/offices and will be maintained by the Unit Administrator.

DEFINITIONS

- I. Immediate family. For the purpose of visiting, immediate family shall be defined as: spouse, parent, step-parent, person acting in the place of parent (as documented in the master record), sibling, step-brother, step-sister, half-brother, half-sister, child, step-child, grandparent and grandchild.
- II. Visiting Week. A period of time beginning on Wednesday and ending on Sunday.
- III. Contraband. Any article not officially issued, lawfully purchased or brought into the DEC via authorized channels. Or that which is introduced or attempted to be introduced by any person into the facility or its extended limits by a method other than one which is specified or promulgated in official DEC policy and procedures.
- IV. Reasonable Suspicion. Reasonable suspicion entails objective, articulate facts which would reasonably lead an experienced correctional employee to conclude that a particular individual is concealing something on his/her body for the purpose of transporting or attempting to transport such material (contraband) into the institution.

PROCEDURES

- I. **Who May Visit**
 - A. A DEC inmate may have visits from anyone he chooses, subject to the approval of the Warden. In making a determination, the Warden will consider the effect the visitor might have on the facility, its staff, and the inmates. This includes applicants who are co-defendants in the inmate's current offense. All Visitor Request Forms submitted by the victim of a violent offense (if institutional staff knows this information) is subject to approval by the Warden/designee. There will be no limit to the number of visitors an inmate may have on his authorized visiting list.
 - B. Visitors will generally not be permitted to visit prior to submittal of the authorized visiting

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forms and approval by the Warden/designee. False or incomplete information on this form will result in denial of visiting privileges.

- C. Any person 19 years of age or older may request to visit an inmate at the DEC by submitting a Visitation Request Form (VRF - Attachment 1) to the DEC Pass Clerk.

- D. Any person 18 and under:
 - 1. Must each have a completed VRF submitted to the DEC Pass Clerk.
 - 2. Must be accompanied on any visit by parent, legal guardian, court appointed agent or other authorized adult (age 19 or above).
 - 3. If said minors are visiting in the company of an authorized adult other than the parent, legal guardian or court appointed agent, a notarized permission slip from the parent, legal guardian or court appointed agent must be submitted prior to any visit taking place.
 - 4. The parent, legal guardian, court appointed agent or another authorized adult who accompanies said minor must also be on the inmate's approved visiting list. (Exceptions include those individuals who are authorized as a part of their employment to accompany minors on visits is not required to be on a particular inmate's visiting list. Such individuals are required to submit a VRF.)
 - 5. Minors age 18 and under must have an original state issued certified birth certificate to present to the Pass Clerk during their first visit.
 - 6. All minors age 16 and older must also present a state issued picture ID to the Pass Clerk on all visits.

- E. Minors who are married do not need parental or legal guardian consent to visit, but must be approved visitors via the VRF process. They also will be required to present a copy of their marriage license along with the VRF.

II. Visitation Approval Process

- A. It is the responsibility of each inmate to initiate the visiting process. Inmates may obtain a VRF's from Housing Unit Staff and mail one to each person they desire to have placed on their approved visiting list. Each prospective visitor must complete a VRF and mail it to the following address for processing:

Pass Clerk
 Diagnostic and Evaluation Center
 P.O. Box 22800
 Lincoln, NE 68542-2800

Any VRF that is not returned directly to this office at the above address, is incomplete, or is

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sent to the inmate will not be processed.

- B. The Pass Clerk will review all VRFs received by this facility for completeness. The Pass Clerk will return all incomplete forms to the applicant for corrections.
- C. All complete VRFs received shall be date-stamped by the Pass Clerk with the date of receipt. A list of the names of all prospective visitors is then forwarded to Main Control staff, who will conduct a National Crime Information Center (NCIC) record check for each applicant. An NCIC record check will also be run for each minor listed who is 8 years of age and older.
- D. After the NCIC report is completed, it will be stapled to its respective original application. If there is no NCIC report generated for a particular applicant or listed minor due to a lack of a criminal/arrest record, the form will be marked in red with "OK". All forms and applicable NCIC reports will be forwarded to the Pass Clerk for visiting database review relative to previous approvals/denials; inclusion on another inmate's visiting list and other pertinent information. Applicable information will be indicated on the VRF for approval/disapproval decisions. The Warden/Designee will make the appropriate notation on the bottom of the form, sign it, and return it to the Pass Clerk for data processing.
- E. The Warden's/Designee's approved/denied notation and signature are authority for the Pass Clerk to input the VRF information in the Visiting Database system. The Pass Clerk will separate the perforated portion of the VRF and forward it to the appropriate inmate. This is the inmate's official notification slip of the status of a particular visitor's application. The Pass Clerk will send the top portion of the VRF to the Records Office for filing in the inmate's Master Record File.
- F. If the Warden/Designee disapproves a particular VRF, he/she will make the appropriate notation on the bottom of the form and cite his/her reasons for disapproving it.
- G. When an inmate receives a VRF notification slip from the Pass Clerk indicating whether a visitor has been approved or disapproved for visitation, it is the inmate's responsibility to notify the visitor/applicant of the decision.
- H. Any individual who has been denied to visit may appeal that decision directly to the Warden, who shall provide a written response to that individual.
- I. Any inmate who is aggrieved by such action may appeal it through the regular grievance procedure.

III. Visitor Eligibility

- A. There will be no limit to the number of visitors an inmate may have on his authorized visiting list.
- B. Visitors will not be authorized to be on more than one inmate's visiting list at any time without the express written permission of the Warden/designee. Three specific exceptions to this policy include:

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1. An immediate family member may be granted permission to be placed on more than one inmate's visiting list if all persons involved are members of the same immediate family. (E.g., a mother may be placed on two sons' visiting lists, or a sister may be placed on her brother's and father's visiting lists).
 2. If a male visitor is a member of single immediate family and he is listed on the visiting lists of several other members of that same immediate family, he may be granted permission to be placed on the visiting list of one other inmate who is not a member of this immediate family. (E.g., a brother may be placed on his three brothers' visiting lists and on one other non-family member's visiting list).
 3. If a female visitor is a member of single immediate family (which includes being the spouse of one of those immediate family members) and she is listed on the visiting lists of several other members of that same immediate family, she may be granted permission to be placed on the visiting list of one other inmate who is not a member of her immediate family. (E.g., a sister may be placed on her brother's and father's visiting lists and on one other non-family member's visiting list; or a spouse may be placed on her husband's and father's and a brother's visiting lists and on one other non-family member's visiting list).
- D. For visits occurring during the week, an inmate may have up to four adults (i.e., any combination of immediate family members and non-immediate family members) visiting him at any one time during any one visiting period. Each adult may bring along children and/or minors as long as they are able to supervise and control them. For visits occurring on the weekends, an inmate may have up to four total visitors (to include adults and/or minors).
- E. Criminal Records

Persons with criminal records are not automatically excluded from visiting. In determining whether or not to approve a person with a criminal record, the nature and extent of that person's total criminal record plus their history of recent criminal activity, is weighed carefully against the benefits of visitation. The Warden shall retain final authority to review, assess and approve/disapprove applications to visit. Appeals of denials to visit must be submitted in writing to the Warden.

Note: Failure to list previous criminal convictions on the VRF will result in denial of visiting privileges.

1. Generally, parolees, probationers or persons having pending charges will not be granted permission to visit during service of sentence and ex-felons will not be granted permission to visit for three years after expiration of sentence, except for immediate family who may be considered at the end of one year. Ex-misdemeanants will not be granted permission to visit for six months after expiration of sentence. Immediate family may be considered after three months.
2. Exception may be made for a spouse/immediate family member who may be allowed to visit once a month by special approval from the Warden. It will be the responsibility of the spouse/immediate family member seeking visiting privileges while on probation/parole to provide, with the VRF, a letter from the supervising

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probation/parole officer recommending either approval or denial of visiting privileges.

3. The Warden/designee must review and approve/disapprove all VRFs submitted by the victim of a violent offense when that offense is committed by the inmate being visited if such information is known to facility staff.
4. The victim will not be allowed to visit, while the inmate is housed at DEC. Also the parent of a minor aged child, who is the victim, will not be allowed to visit while the inmate is housed at DEC

- F. Generally, ex-employees will not be granted permission to visit except with immediate family members. Such visitation requires the approval of the Warden.
- G. Generally, departmental employees will not be approved to visit. Employees must make a written request to the DEC Warden as well as the Warden of the institution/program the employee is assigned to before exceptions will be considered. All exceptions require the approval of the Warden.
- H. False or incomplete information on the VRF will result in denial of visiting privileges.
- I. Any person shown by substantial evidence to have or who quite likely will present or impose a harmful or deleterious effect on an inmate, or who is considered to pose a threat to the good order and security of the institution, shall be excluded from any approved visiting list.

IV. Visiting Schedule

A. Regular Visiting

The DEC regular visiting schedule is designated by the last digit of the inmate's institutional number for general population inmates and inmates who are not assigned as medical patients to the DEC Skilled Nursing Facility (SNF). Inmates are allowed only one visiting session per week. Specific days are as follows:

Visiting Week:

Monday/Tuesday	No Visits
Wednesday (8:00 - 10:50 a.m.)	DEC SNF Patients/Special Visits*
Wednesday (1:00 - 3:50 p.m.)	Numbers ending in 0/1
Thursday (8:00 - 10:50 a.m.)	Numbers ending in 2/3
Thursday (1:00 - 3:50 p.m.)	Numbers ending in 4/5
Friday (8:00 - 10:50 a.m.)	Numbers ending in 6/7
Friday (1:00 - 3:50 p.m.)	Numbers ending in 8/9
Saturday (8:00 - 10:50 a.m.)	Numbers ending in 0/1/2
Saturday (1:00 - 3:50 p.m.)	Numbers ending in 3/4
Sunday (8:00 - 10:50 a.m.)	Numbers ending in 5/6/7

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Sunday (1:00 - 3:50 p.m.)

Numbers ending in 8/9

*As approved by the Warden/designee with medical consultation on a case by case basis. Special Visits may be considered for Plan A/B, Boarder, or Safekeeper inmates during the Wednesday morning session, regardless of inmate number and in an appropriate visiting area based on security and medical needs. See section XXII. *Inmates Housed in the DEC/SNF*, for additional information.

The Pass Clerk shall stop processing visitors one-half hour prior to the conclusion of a scheduled visiting session (1020 for morning sessions and 1520 for afternoon sessions).

B. Holiday Visiting

Inmates will be allowed visits on Thanksgiving Day, Christmas Day and New Years Day, regardless of the days upon which the holiday falls. All other holidays will be treated as any other day relative to whether or not visits are allowed. If these other holidays fall on regular visit days, then the visits will be allowed as noted above. If they are on no-visit days, then no visits will be allowed. These visits will not affect the number of visits allowed during the rest of the week.

V. Special Visits

An inmate at the DEC may receive a Special Visit under the following circumstances:

- A. **An inmate may receive one Special Visit from an immediate family member prior to approval of that individual for the inmate approved visiting list (4-4500).** All requests for special visits must be submitted by the inmate through the inmate's Case Manager. The inmate must submit a Special Visit form (Attachment 2) far enough in advance so that the Case Manager receives the request by 3:00 p.m. on the Thursday prior to the requested visit. Any requests for special visits received after 3:00 p.m. on Thursday may not be approved. The Special Visit Form is then processed in accordance with procedures outlined below in section VIII.
- B. **An inmate whose immediate family member cannot visit on the inmate's approved visiting day may receive one special visit per month on a day other than the approved visiting day (4-4500).** The visitor receiving the special visiting privileges will only be permitted to visit once per calendar month. Inmates will not be allowed to visit with other than immediate family members on days other than their assigned visiting day (except for emergency visits). Visiting days and times have been scheduled so that each inmate will have a choice of a visiting period during the week or weekend. This schedule was developed to assist visitors who have to work by giving them a choice of a weekday or weekend. If the inmate's visiting period conflict with the visitor's work schedule, the visitor will need to make arrangements necessary to comply with the existing schedule.
- C. **An inmate who has an immediate family member with a criminal record that should disqualify him/her from regular approval may request one special visit per calendar month for that immediate family member (4-4500).** Immediate family members having pending misdemeanor/felony charges may also be considered for monthly special visits pending resolution of the charges. Special visits will be

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reviewed/approved on a case-by-case basis by the Unit Administrator and the Warden.

- D. **Persons not on an inmate's approved visiting list who may be considered for special visiting privileges include; prospective employers, and DHHS family services representatives** These individuals may offer valuable assistance to the inmate and may be allowed to visit with approval of the Warden/designee.
- E. Community custody inmates may be authorized to visit immediate family members incarcerated in other facilities once every three months. See Procedure X. below for specific criteria.

VI. Extended Visits

- A. **Extended visits are for visitors who can only visit occasionally due to the distance to be traveled. Inmates are limited to one extended visit per month. Visitors who are granted an extended visit may not receive regular visits during the calendar month in which the extended visit occurs (4-4501).**
- B. Visitors traveling more than 200 miles each way may visit up to six hours, which may be taken in one or two consecutive days. However one session must include the inmates regular visiting schedule.
- C. All requests for extended visits must be submitted through the inmate's Case Manager. The inmate must submit a Special Visit form (Attachment 2) far enough in advance so that the Case Manager receives the request by 3:00 p.m. on the Thursday prior to the requested visit. Any requests for special or extended visits received after 3:00 p.m. on Thursday may not be approved. The Special Visit Form is then processed in accordance with procedures outlined below.

VII. Emergency Visits

Special family circumstances, i.e. hospitalization or death in the family, may be grounds for an emergency visit. This visit may last up to six hours and can be taken in one or two consecutive days. The frequency of emergency visits are on an as needed basis.

VIII. Special, Emergency, and Extended Visit Processing Procedures

Whenever an inmate knows at least one working day (Monday through Friday, excluding holidays) in advance that he is expecting a visitor who would fall under these "special visit" guidelines (i.e., Special, extended and emergency visit), he must request visiting consideration by submitting a Special Visit Form (Attachment 2) to his Case Manager. The Case Manager will verify the information noted on the form and then forward it to the Unit Administrator who will make the approval/disapproval decision. If approved, the first and second copy of the special visiting form will be forwarded to the Pass Clerk where it will be kept on file until the requested visit day arrives. The pink and final copy will be forwarded to the inmate. If the visitor does not arrive on the expected day, the Pass Clerk then will so note that fact on the form. The Pass Clerk will date the form and forward the original to the Records Office for filing in the inmate's master record file. The second copy of the form will be forwarded to the Unit Administrator. The final copy of the form will be forwarded to the inmate.

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IX. Restrictive Housing Visits

Inmates placed in Restrictive Housing are transferred to the LCC where visiting occurs as provided in the Lincoln Correctional Center visitation policy.

X. Inmate to Inmate Visits

Criteria for visits between immediate family members incarcerated in different facilities of the Department of Correctional Services include the following:

- A. One inmate must be on community custody status.
- B. The visit request will be initiated by the community custody inmate.
- C. The inmates must be immediate family as defined by current departmental guidelines.
- D. The visit must be approved by each facility Warden/designee.
- E. The visit will generally occur during regular visiting hours.
- F. The community custody inmate must produce their inmate ID prior to being allowed to visit.
- G. The community custody inmate will wear state issue clothing.
- H. The community custody inmate will be strip searched upon arrival and upon leaving the DEC.
- I. Visits may be approved once every three months.
- J. If facilities are in the same city, the visit may be done on pass. If the facilities are in different cities, the visit may be done on furlough.
- K. If the visit occurs during a furlough, it will be considered one of the inmate's four hour daily approved itinerary activities.
- L. An approved volunteer sponsor will provide transportation.
- M. The approved volunteer sponsor may also participate in the visit if on the visiting list of the inmate to be visited.
- N. If the approved volunteer sponsor is not on the visiting list, he/she will be required to stay at the facility during the visit.

XI. Visiting List Deletions

- A. Any inmate may request a list of the names of those persons appearing on his approved visiting list by submitting an Interview Request Form to his Case Manager.
- B. Any inmate may request that one or more persons on his approved visiting list be deleted by completing a Deletion Request Form (Attachment 5). The deleted visitor's name(s) will not be placed on another inmate's approved list for six months. The deleted visitor's name(s) will not be reinstated on the inmate's visiting list for six months (if the visitor's name was previously removed at that inmate's direction).
- C. A visitor may request deletion by submitting the request in writing to the Warden. The visitor must wait six months before they may be placed on another inmate's visiting list. The six-month waiting period will also apply to clergy status visitors; however, the Warden may waive it at the recommendation of the Religious Coordinator. In the event that the individual requesting deletion has not visited for a period of at least six months, the Warden may waive the six month waiting period to be added to another inmate's visiting list.

XII. Visitor Dress Code

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A. When visiting, proper attire is expected. Casual attire is appropriate; however, clothing should not be distracting or offensive to inmates or other visitors and must be in good repair. Footwear in good repair is also required. The following modes of dress are **INAPPROPRIATE** for visiting at the DEC:

1. Shorts (Children ten years old and younger are excluded).
2. Skirts, dresses, skorts, culottes or capris that are less than knee length (i.e. top of knee) (Children 10 years old and younger are excluded.) Dresses with slits must not have slits that go above the knee. If the Pass Clerk believes that a particular visitor's skirt or dress is inappropriate, he/she will contact the Shift Supervisor to make a final determination. If judged inappropriate, the visitor may return to visit after changing into a more appropriate item of dress.
3. Halter tops, tube tops, sleeveless dresses or shirts, spaghetti string tied tops, backless tops, muscle shirts, tank tops, half shirts, crop tops, or other clothing revealing bare shoulders, a bare midriff, or any part of the breast; chest or back (10 years of age or under are excluded).
4. See-through clothing (must not be able to see skin, bra or underclothing).
5. Visitors must wear undergarments. Females must wear pantyhose and/or underwear and bra; males must wear underwear/undershorts. Children 10 years of age and under are not required to wear a bra.
6. Tights, leggings, stirrup pants, spandex/stretch pants, skinny jeans or any combination of tights, leggings, shorts (10 years of age or under are excluded).
7. Any tight fitting clothing that would be considered "revealing".
8. Female visitors are encouraged to wear slacks/pants. Female visitors wearing skirts/dresses will not be required to lift the garment to their waist to facilitate an appropriate search; staff will perform the pat search through the aforementioned clothing.
9. Visitors are not allowed to wear both khaki pants and khaki shirt. A visitor may choose to wear either a khaki shirt or khaki pants but these clothing items must not be worn together.
10. Visitors are not permitted to wear any article of clothing that is hooded or that opens completely in the front (i.e. hooded sweatshirts, jackets, sweater jackets)
11. Hats or caps will not be permitted to be worn into the facility. Exceptions for headgear will be authorized by administration in advance for religious purposes only.
12. Any clothing with offensive logos or messages or related Security Threat Group signs or symbols.

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13. Clothing with holes; either worn through or from manufacturer.

B. The following clothing is **APPROPRIATE** for visiting at the DEC:

1. Casual attire. Footwear must be worn. Visitors will not be required to wear socks.
2. Sweat clothing which is clean, in good repair and that has not been altered is acceptable wear for any visitor.

C. The Shift Supervisor must be consulted at any time an exception to the proceeding guidelines appears necessary.

XIII. Processing Visitors into the DEC

A. The function of the Visiting Corporal (Pass Clerk) is to facilitate authorized and "special" visitors in and out of the institution, preserve security, and maintain records of visitor traffic. To ensure that the visiting process is conducted with these points in mind, the following basic rules and procedures shall be closely followed:

1. **All visitors will be required to sign in and out of the institution utilizing the Visitor's Register, located on the counter in front of the Pass Clerk desk. Visitors will record their first and last name, city and state of residence, time in and out of the facility and the name of the inmate he/she is visiting (4-4503).**

2. Only those visitors who are listed on an inmate's authorized visiting list shall be permitted to visit. Each visitor must bring with him/her at least one form of photo identification and must present this document to the Pass Clerk each time he/she enters the institution.

a. Only the following are acceptable photo identification cards:

- (1) Driver's license with photo.
- (2) State identification card, including a State of Nebraska employee identification card.
- (3) City/County/State/Federal identification cards.
- (4) Foreign passport, with approval from Shift Lieutenant.

b. Other support documents may include:

- (1) Marriage certificate.
- (2) Birth certificate.
- (3) NOTE: Either of the documents listed in (1) and (2) above must be used in conjunction with at least one other form of acceptable photo identification.

c. The following identification/documents normally will not be accepted as identification:

- (1) Social Security cards.

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- (2) Bank cards.
- (3) Student identification cards.
- (4) Business cards.
- (5) Hunting/fishing licenses.
- (6) Car registrations.
- (7) Medicare cards.
- (8) Health club cards.
- (9) Check casing cards.

- 3. The Pass Clerk shall exercise good judgment in establishing that each visitor has provided sufficient identification. If there is a question concerning the adequacy of a visitor's identification, the Pass Clerk shall consult the Shift Lieutenant who shall make the decision as to whether or not to deny a visit.
- 4. The Pass Clerk will inform Housing Unit and Utility staff of the inmate visit. Housing Unit staff are responsible for promptly notifying the inmate of the visit.
- 5. In certain circumstances, the DEC may consider granting one visitor permission to visit two or more inmates simultaneously (e.g., a parent may want to visit his/her two sons during the same visiting period). Approval must be obtained from the Warden prior to the visit. If such approval is granted, it will be communicated to the Pass Clerk, who will indicate it on the respective inmates' visiting cards and electronically entered into the Inmate/Visitor database.
- 6. The Pass Clerk will log each visitor in on the visiting database when they arrive and log each visitor out when they depart the institution. There shall be no exceptions! This record shall not be revealed to the public without the written consent of the inmate and approval of the Warden. All business visitors must sign in and out on the Visitor's Register, which is located on the counter in front of the Pass Clerk desk.
- 7. Each inmate visiting list is confidential and shall not be revealed in part or in whole to the general public without the express written consent of the inmate and approval of the Warden.

B. Marking Visitor with Invisible Skin-Marking Ink

- 1. Each visitor shall be stamped/marked by the Pass Clerk with invisible skin-marking ink. Each marking shall be placed on the underside of the left wrist approximately two to three inches above the area where a wristwatch would be worn.
- 2. Checking visitors with an ultraviolet light just prior to them leaving the facility:
 - a. Prior to visitors exiting the Visiting Room, the Pass Clerk will inspect their ultraviolet ink stamps/markings under an ultraviolet light to determine if the original ultraviolet skin markings are still there.
 - b. If the mark is intact, the Pass Clerk will signal the Main Control Center Officer to open the door and allow the visitor to leave.

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- c. If the markings appear illegible, altered, or "suspiciously different" from what was originally stamped or written, or if the mark is not visible at all, the Pass Clerk shall notify the Control Officer. The Main Control Center Officer will notify the Shift Supervisor of the problem. The visitor in question shall not be permitted to leave the area until the Shift Supervisor or a higher authority authorizes that person to pass through and leave the facility.
- d. Any visitor who refuses to be marked with invisible skin-marking ink will not be permitted to enter the institution.

C. Authorized Visiting Room Articles

Visitors are permitted to take the following items into the visiting room/area:

- 1. Prescription heart and/or asthma medication. Other medication may not be taken into the visiting room without prior approval from the Assistant Warden, Unit Administrator, Major, Captain or Shift Supervisor. Medication must be in the original container.
- 2. The following infant necessities will be permitted:
 - a. Four diapers
 - b. One bottle with formula (must be in a clear, plastic baby bottle)
 - c. One bottle of water/juice
 - d. One change of clothes
 - e. One pacifier
 - f. Reasonable amount of baby wipes
 - g. Simple non-weapon plastic-type toys for children five years and younger only.

All other items including the diaper bag shall be left in the visitor's vehicle. The Pass Clerk will provide a bag for the visitor to use in carrying these items to the visiting room if needed.

- 3. All items of personal property not specifically itemized in the following list must be secured in the visitor's personal vehicle. Articles not listed shall not be permitted into the facility beyond the Pass Clerk Desk:
 - a. Sufficient identification to verify the visitor's identity, visiting status and/or relationship to a particular inmate;
 - b. One comb or pick;
 - c. One watch;
 - d. One handkerchief;
 - e. One religious medallion or religious head gear (e.g. Kufee, Native American headband);

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- f. One pair of prescription glasses;
 - g. Reasonable amount of jewelry as appropriate;
 - h. Medically authorized prosthetic appliances, such as wheelchairs, crutches, canes, hearing aids or artificial limbs.
 - i. Prescription medication that may be needed immediately (nitroglycerine or prescribed asthma inhaler).
4. Visitors choosing to wear a coat/jacket (suit jacket or sport coat are acceptable attire), or other types of outerwear must hang them in the lobby area and will not be permitted to take them into the visiting room. Any headgear (hats, caps, sun visors, sweatband, etc) and/or articles which cover the head (bandannas, plastic shower caps, etc.), with the exception of recognized religious headgear listed above, must be left in the lobby area and will not be permitted to be worn or carried into the visiting room. In addition, visitors who have written documentation from a Physician which states that, for medical reasons, they (the visitor) must wear some type of headgear, bandage or article which covers the head, may be permitted to wear such items into the visiting room while visiting;

NOTE: THE DIAGNOSTIC AND EVALUATION CENTER WILL NOT BE RESPONSIBLE FOR GARMENTS OR HEADGEAR LEFT IN THE LOBBY AREA.

5. If the Pass Clerk has a question concerning whether a particular type of headgear should be considered "recognized religious headgear" or about an item that is required for medical reason, the Pass Clerk shall request assistance from the Shift Supervisor.

The Shift Supervisor or higher authority must be consulted at any time that an exception to the proceeding guidelines appears necessary.

D. Visitors Use of Lockers in the Lobby

1. Any visitor may use a property locker to store their personal effects (i.e. purses, etc.). Visitors shall provide the same identification used to access the visit area to obtain a locker key. Visiting staff shall place the identification card inside a transparent key envelope with the corresponding locker number. The envelope shall be stored inside the key box. Without the appropriate picture identification, (Driver's License with photo, State Identification Card including a State of Nebraska Employee Identification Cards, and City/County/State/Federal Identification Cards), a locker key will not issued.
2. Property lockers will not be used by staff without authorization from the Shift Supervisor.
3. Visitors must give Visiting staff the locker key to have their ID card returned. If a visitor loses a locker key visiting staff will attempt to locate the key. The Shift Supervisor will be notified of any lost key. If the key cannot be found, the Shift

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Supervisor will return the visitor's identification and obtain the master key to return the visitor's effects. An Incident Report shall be made on the loss of any key. The visitor name and circumstances must be documented.

XIV. Method of Searching Visitors

- A. **All visitors entering the DEC for the purpose of visiting inmates or conducting business will be required to submit to a search prior to entrance (4-4503).** A sign will be posted and visible in the visitor processing area which states that: "ALL VISITORS AND STAFF AND THEIR BELONGINGS ARE SUBJECT TO A SEARCH PRIOR TO BEING ALLOWED ENTRY INTO THE INSTITUTION." Persons refusing to be searched will not be admitted. Basic search techniques in conducting searches of visitors will be as follows:

1. Pat Search

- a. This procedure shall be routine for all visitors entering the institution. This involves patting down the visitor's clothing and body without the physical removal of clothing other than hats, jackets, shoes, wigs, and the emptying of pockets. When patting down a visitor's head, visitors may be asked to run a comb through their hair. They also may be asked to remove any hairpiece/wig/toupee, etc. so that it may be examined for possible contraband. In addition to being pat searched prior to entering the institution, a pat search may be conducted at any time during the visit at the discretion of visiting room staff or as directed by a supervising staff member. This type of search does not require the Warden's authorization.
- b. Female staff shall pat search female visitors, and male staff shall pat search male visitors. Upon the verbal approval of a male visitor, a female staff member may conduct the pat search of a male visitor. If/when a question arises as to the conduct of or surrounding the circumstances of a pat search, the Shift Supervisor shall be consulted.
- c. A visitor bringing a diaper-wearing child to visit must change the child's diaper in the presence of staff and place another diaper, which has been searched, on the child. All children's effects shall be searched prior to entering the visiting area.

2. Canine Assisted Search

Canine Units may be used to augment searches. Alerts by the canine will be followed by more extensive searches as deemed appropriate.

3. If, after being searched, as indicated above, there still is a reasonable suspicion that the person may be carrying contraband, further consensual searches may be requested. Only with the approval of the Shift Supervisor/Officer of the Day or higher authority, who shall evaluate the grounds asserted to justify the search, will a visitor be requested to submit to more stringent search(es). Two other types of searches

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that visitors may be asked for permission to conduct are the Strip Search and Body Cavity Search.

a. Strip Search

- (1) This type of search requires an individual to remove all articles of clothing and a visual examination is made of the body. Non-Medical staff SHALL NOT touch any part of the nude body, nor shall they make intrusions into any body orifice; however, they shall be permitted to make a visual examination of hair, mouth, ears and nose. In addition, visitors may be asked to bend over to expose their anal areas. Male visitors may be asked to lift their testicles.
- (2) Strip searches shall occur ONLY when there is reasonable suspicion that a visitor is concealing contraband and ONLY after receiving a directive from the Warden or his/her designee. This type of search shall occur ONLY when less intrusive measures have not or would not render the institution secure against the introduction of contraband.

b. Body Cavity Search

- (1) This type of search is an extension of a strip search and includes penetrating a visitor's body cavities in an effort to discover contraband. ONLY AUTHORIZED MEDICAL PERSONNEL at a community medical facility shall be allowed to touch or make intrusions into the body orifices.
- (2) Body cavity searches shall occur ONLY when there is reasonable suspicion that a visitor is concealing contraband and ONLY after receiving a directive from the Warden/designee. This type of search shall occur ONLY when less intrusive measures have not or would not render the institution secure against the introduction of contraband.

B. UNDER NO CIRCUMSTANCES will a visitor be physically searched unless he/she voluntarily consents. Whenever a visitor is requested to submit to a strip or body cavity search and the visitor consents to one of these searches, the Pass Clerk will request another staff person to witness the visitor's consent and the search. The Pass Clerk will complete an Incident Report describing the whole incident that shall include the name of the person authorizing the particular type of search requested. If a visitor refuses to consent to any type of search, the visit shall be denied.

C. If contraband is found on the person or in the clothing of a visitor, or if there has been an attempt to pass contraband between an inmate and a visitor, the contraband shall be confiscated and the visitor detained for law enforcement officials. NO FORCE shall be used in detaining an individual. Mere suspicion is not sufficient. A correctional employee must actually see the contraband in the possession of the visitor or changing hands between the person or persons involved.

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- D. The DEC has the authority to order a private citizen to leave institutional grounds. If a citizen refuses to leave, the State Patrol will be contacted to request their assistance in escorting the individual from State property.

XV. Processing an Inmate into the Visiting Area

- A. Each inmate will be escorted to the visiting area by a Utility Officer, where he will be strip searched in the Search Room prior to entering. All items of clothing and personal items will be inventoried on an Inmate Property Form (Attachment 6). The officer conducting the strip search will sign this form. The inmate will be permitted to enter the visiting room as soon as he is processed.
- B. At the end of a visit, each inmate shall be strip-searched and a second inventory of his clothing and personal items made by the supervising officer. No inmate will be allowed to leave the visiting area with any item(s) not listed on the original inventory slip. All unauthorized items will be considered contraband and shall be confiscated immediately. The Shift Lieutenant or higher authority shall be consulted at any time that an exception to this regulation appears necessary.
- C. Inmate Dress Code during Visiting

The following items of clothing will be authorized for inmates on pass to visit. (Soiled, torn or otherwise inappropriate clothing shall not be worn in the visiting room):

1. Pants
 - a. All pants will be kept neat and properly buttoned/zipped at all times;
 - b. Pants will not be altered in any way (including removal of pockets, etc);
 - c. Pants will be worn with an institutional belt.
 - d. Undershorts must be worn while visiting.
2. Shirts (institutional issue)
 - a. A T-shirt must be worn under the buttoned shirt.
 - b. All shirts will be clean and properly buttoned with the exception of the top collar button;
 - c. Either authorized long sleeve or short sleeve shirt may be worn at the discretion of the inmate.
 - d. Sweatshirts will not be allowed in the visiting room.
3. Shoes and Socks

Shoes and socks will be worn at all times during a visit. The only exception to this would be medical authorization exempting the inmate from wearing normal footwear.
4. Headgear (hats, caps, etc.)

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Inmates in the visiting area may wear recognized religious headgear (Kufee or Native American headband). Other hats/caps will not be authorized except by special permission of the Warden or the Chief Medical Officer.

5. Inmate ID Card; Inmates are required to be in possession of their inmate ID card.

6. Handkerchief, Comb/Pick, Glasses, and Jewelry

Inmates will be allowed to have one handkerchief; **either** a comb **or** pick; one necklace; one wedding band; and one watch while on a visit. Only prescription glasses will be authorized. (No sunglasses, etc., except as authorized by the facility physician).

7. Medication and Medical/Prosthetic Appliances

- a. No inmate will be allowed to have medication of any kind on his person unless he presents a written authorization for such medication signed by the facility Health Services staff. Exceptions will be granted for prescribed nitroglycerin and/or asthma inhalers.

- b. Only authorized medical/prosthetic appliances (artificial limbs, canes, hearing aids, crutches, heart, asthma medication, etc.) will be permitted in the visiting area.

8. Religious Book

Inmates will be allowed one religious book for a clergy visit.

- D. Inmates and their respective visitors will not be allowed to wear or exchange each other's clothing while visiting.

- E. No inmate will be allowed to return from a visit with any item(s) that he did not have in his possession at the time he commenced the visit. All unauthorized items will be immediately confiscated and will be considered contraband.

- F. The Shift Supervisor or higher authority must be consulted at any time that an exception to the preceding guidelines appears necessary.

XVI. Visitor Responsibility, Conduct and Behavior

- A. Generally, it is the responsibility of the visitor and the inmate to behave in a mature and responsible manner that will not bring discredit upon themselves and is respectful of the rights of other inmates and their visitors.

- B. It is the responsibility of all visitors to supervise and maintain control over their accompanying children. **NEITHER VISITORS NOR INMATES ARE PERMITTED TO USE CORPORAL PUNISHMENT ON CHILDREN OR OTHERS WHILE ON DEPARTMENT PROPERTY.** If a child becomes disruptive during a visit and is not controlled by verbal

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direction from the supervising visitor or inmate, the visit may be terminated.

- C. Visitors and inmates must obey staff instructions and all posted rules and regulations. At no time during the visit are inmates or their visitors allowed to visit with any other inmates or visitors in the visiting room; unless prior approval is given by the Warden or Designee.
- D. Visitors and inmates must accept joint responsibility to behave in a mature, responsible manner that is respectful of the rights of the inmates and their visitors.
- E. Visitors who leave the facility during a visit shall not be permitted to return and resume their visiting privilege during that same visiting period.
- F. Once an inmate completes a visit by leaving the visiting room, his visits for that day are terminated. The exception to this rule is on an all-day visit. An inmate may leave and return to the Visiting Room more than once in this situation.
- G. At the conclusion of the visit, inmates and visitors share a responsibility for cleaning up the immediate area that was used for their visit.
- H. Improper conduct during a visit may result in termination of the visit and/or suspension of visiting privileges.
- I. Physical Contact
 - 1. **The DEC permits informal communication, including the opportunity for physical contact. A short embrace and a brief kiss at the beginning and end of each visiting period are allowed (4-4499-1).** No other displays of affection (e.g., caressing, fondling, etc) are permitted to accompany the beginning and ending short embrace and a brief kiss. Inmates on "No Contact" status with minors will have no contact at any time, including at the beginning and end of visitation.
 - (a) For the purpose of this regulation, the beginning of a visiting period shall be defined as the initial 15 second period of time when an inmate and his visitor both have first entered the visiting room and they approach each other to greet each other. A short embrace and brief kiss may be displayed as these two individuals meet to greet each other.
 - (b) For the purpose of this regulation, the end of each visiting period shall be defined as the concluding 15 second period of time just before the inmate and his visitor separate so that the visitor can leave the visiting room and the institution. A short embrace and a brief kiss may be displayed during this 15 second period of time.
 - (c) Also, for the purpose of this regulation, all time which exists between the beginning 15 second period of time and the ending 15 second period of time shall be considered the middle visiting time. During this middle visiting time, only the following types of physical contact shall be permitted:
 - 2. **Visitors and inmates may hold hands as long as the hands are in full view and**

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the hand holding is not improper or indecorous (4-4499-1);

3. Visitors and inmates may sit with an arm on the back of the adjacent chair as long as the chair is not occupied;
4. Visitors and inmates will not be allowed to sit on each other's laps, blade their bodies toward each other (i.e., sitting sideways in chair facing each other) or straddle chairs. Unless otherwise restricted, inmates may be permitted to hold children, age three and under, during visits. No other exceptions to this provision shall be made. No children age four or above are allowed to sit on any inmate's lap.
5. No other forms of physical contact are permitted. Examples of prohibited contact include, but are not limited to:
 - (a) Either visitors or inmates sitting with an arm or their arms around each other;
 - (b) Kissing;
 - (c) Caressing;
 - (d) Fondling.
6. No materials such as blankets, cloth, etc. may be used as lap cover or draped over chairs on the visiting area.
7. Failure to abide by physical contact regulations may result in the termination of the visit and/or suspension of visiting privileges.

XVII. Crimes Against Minor Aged Victims

- A. These procedures are applicable to crimes in which the victims were minor aged children (under 19 years of age). This includes current and prior convictions and any verifiable plea agreements regarding same. Arrests without convictions may be considered if a pattern of prior abuse exists.
- B. The following offenses committed against minor children shall be considered:
 1. Murder
 2. Manslaughter
 3. Sexual Assault
 4. Assault
 5. Incest
 6. Terroristic Threats
 7. Kidnapping
 8. False Imprisonment
 9. Fondling
 10. Child Abuse
 11. Pornography
 12. Contribution to the Delinquency of a Minor
 13. Any other related offenses
- C. The visitation restriction procedures for crimes against minor aged victims are as follows:

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1. The file of each inmate shall be reviewed to determine if any record exists meeting the above criteria. Newly committed inmate files shall be reviewed by the Pass Clerk to determine if initial restrictions are required.
2. Once the inmate has been identified, the Records Office will stamp the front cover of the inmate file with a red-inked stamp titled "contact with minor". The Pass Clerk will enter the restriction on the visiting database under "Minor Visitors Restriction Denied Pending Warden's Decision."
3. Identified inmates shall be prohibited from visitation with any minor aged children until specific restrictions are imposed by the Warden following classification.
4. Upon classification, the Case Manager shall review all available information for each inmate to obtain necessary details of previously identified conviction records as well as to identify any additional applicable offense records. If such record exists, the Case Manager reviewing the record will list out the information on the Inmate Summary of Crimes Against Minors Form (Attachment 3), submitting the form to the Warden for review.
5. Once effected inmates have been identified, the NICaMs database, "prior contact with minor" will be updated by the Case Manager. This entry will automatically update the NICaMS classification study and the visitor's list databases. Any additionally identified inmates shall have inmate files stamped according to procedures as stated above.
6. Inmates returned to the DEC from bond, court, etc., or as a parole violator shall have files reviewed upon admission and upon reclassification. Identification procedures and visitation restrictions shall be the same as for newly committed inmates.
7. The Warden shall have the authority to impose visiting restrictions on identified inmates on a case-by-case basis. The Warden will indicate restrictions on the Crimes Against Minor Aged Victims Form (Attachment 4). Case Managers will ensure the inmate signs and receives a copy of the form. If the no physical contact with minor aged children restriction is imposed, additional actions may include; restricting these inmates to visiting children/youth at designated times and/or designated authorized areas, excluding visitors under the age of 19 from the inmate's approved visiting list, and/or suspension of all visiting privileges until the inmate has received treatment intervention. The visits shall be closely monitored by visiting room staff. Any violation of this policy will result in immediate termination of the visit, removal of the inmate and the visitor from the visiting area, and the issuance of a misconduct report. Penalties imposed against inmates will be consistent with agency disciplinary procedures. Actions imposed on visitors will be handled administratively by the Warden. Factors considered in making the above determination may include, but are not limited to, the following considerations:
 - a. Length of time since last child-related offense occurred.
 - b. Seriousness of prior offense(s).

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- c. Number of prior offense(s).
- d. Mental health status of minor child and/or inmate.
- e. Age of requested visitor and relationship to inmate.
- f. Inmate history of violence.

- 8. Identified inmates will receive written notice of their visiting status relating to minor children and the guidelines for visits involving minors via the Crimes Against Minor-Aged Victims form (Attachment 4).
- 9. The Warden has the authority to modify or eliminate visiting restrictions imposed as provided in this policy. Such modification or elimination shall normally be in consultation with appropriate mental health, program and custody staff.

XVIII. Termination/Suspension of Visits

- A. During the course of a visit, the Shift Supervisor, Unit Administrator, Major, Assistant Warden, or Warden/designee may terminate a visit whenever an inmate and/or his visitor(s) fail to comply with any written or verbal instruction(s). A visit may be denied or terminated and visiting privileges suspended, either temporarily or permanently, under the following circumstances:

- 1. The drinking of or being under the influence of alcohol;
- 2. The use of or being under the influence of illegal drugs;
- 3. The introduction of contraband or the attempt to introduce contraband into the facility;

VISITORS WHO HAVE BEEN FOUND INTRODUCING OR ATTEMPTING TO BRING CONTRABAND INTO THE DIAGNOSTIC AND EVALUATION CENTER OR ITS EXTENDED LIMITS MAY BE SUBJECT TO CRIMINAL PROSECUTION UNDER NEBRASKA LAW.

- 4. The taking of unauthorized items or property from the facility (criminal prosecution under Nebraska Law also is possible here).
- 5. Initiating or contributing to disruptive or improper behavior by either inmates or visitors.
- 6. Refusal to submit to a search of any type. (Types of searches may include: Canine, Pat Search or other searches as indicated/approved.)
- 7. Refusal to allow oneself to be marked with invisible skin marking ink.
- 8. Sufficient visiting room space is unavailable.
- 9. Refusal or failure to produce sufficient identification or the falsifying of identifying

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information by a visitor.

10. The violation of any posted visiting rule and regulation.
 11. The failure to control or to prevent children from disrupting other persons in the visiting area.
 12. The failure to follow staff's instructions during the visiting process.
 13. Leaving the visiting area and proceeding into an unauthorized area.
 14. Leaving the visiting area, leaving the institution, and then returning to resume a visit. Visitors will not be permitted to resume visiting the original inmate or any other inmate during the same visiting period.
 15. Excessive physical contact between visitors and inmate. The only authorized physical contact between inmates and their visitors is detailed in Section XVIII of this Memorandum.
 16. Physical contact with a minor by an inmate on "No Contact" status with minors.
 17. Refusal to clean up the area that was used for visit.
 18. False or incomplete information on VRF of visiting or attempting to visit under false identification.
 19. Other reasons for denying, terminating or suspending a visit as are reasonably necessary to preserve the safety, security and good order of the institution and/or the visiting room.
- B. The observation by the Pass Clerk or other institutional staff of a medical condition of a visitor that the observing employee reasonably believes indicates that the visitor is unfit to visit. Examples of such observable conditions include, but are not limited to:
1. Poor sanitation and hygiene of a visitor.
 2. Signs symptoms indicating a life threatening medical emergency.
 3. If the visitor is experiencing extreme pain, physical discomfort, or mobility issues
 4. Open or running sores.
- C. The Warden/designee reserves the right to withdraw the visiting privileges of any individual who refuses to comply with departmental rules and regulations. The Warden/designee will inform the visitor by letter; stating the reasons for the decision as well as the length of time the suspension will last..
- D. The Warden may modify the condition of the visit based on results of any part of the search

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procedures (Example, a positive indication from a canine search). Additionally, behavior on the part of the inmate or the visitor may require a modification.

- E. Prior to the termination of a visit or suspension of visiting privileges for any of the above reasons, less restrictive alternatives shall be attempted. Such alternatives may include warning the inmate and/or his visitor of improper behavior.
- F. If the Pass Clerk observes behavior between an inmate and his visitor that he/she feels is inappropriate or disruptive, that Officer shall contact the Shift Supervisor and inform him/her of the situation. The Shift Supervisor shall make the decision as to whether or not to immediately terminate the visit.
- G. If the Shift Supervisor determines that the behavior on the part of the visitor was serious enough to merit some type of suspension of visiting privileges, he/she shall write all available information on an Incident Report Form. This will include a recommendation for suspension of visiting privileges. The report will be submitted to the Warden for a final decision. If the Warden agrees with the report, he/she may suspend the visiting privileges for the visitor by stating that fact in a letter, including the reasons for it, and sending it to the visitor, a copy of which also will be sent to the involved inmate. The statement of reasons may be deleted if it would jeopardize the security of the institution or the safety of any individual. In that same letter, the Warden also shall specify the length of time that the suspension is to last (i.e., whether indefinitely or for a specified period of time). In the case of an indefinite suspension, the letter shall include a date when that visitor may resubmit an application for visiting privileges. Visitors that are suspended from visiting at one NDCS facility are suspended from visiting at all NDCS facilities. Exceptions may be considered by the Warden if immediate family members are involved.
- H. The Pass Clerk will maintain a list of all visitors who are currently suspended from visiting the DEC. The Unit Administrator will forward a copy of all letters of suspension or reinstatement of visiting privileges to the Pass Clerk who will use same to update the list.
- I. Any inmate aggrieved by the removal from his visiting list of one or more of his authorized visitors may appeal such action through the regular grievance process.

XIX. Visit Restriction

- A. When an inmate receives a Misconduct Report that alleges some type of violation of the visiting regulations, the appropriate Disciplinary Committee will review the case and determine if a violation(s) did in fact occur. The Disciplinary Committee may suspend any/all of that inmate's visits for a specified period of time. The Unit Administrator will inform the inmate, in writing that any/all of his visits with the exception of attorneys, public officials, and clergy persons have been suspended for a specific number of days.
- B. The inmate involved will be responsible for notifying all persons on his visiting list of the restriction imposed. Visitors involved in the violation, if they were not previously suspended or terminated from visiting, may be permanently or temporarily removed from the inmate's visiting list.

XX. Visiting Lists for Returnees

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- A. Following the release of an inmate on parole, Reentry Furlough Program (RFP) or when an inmate is placed on bond or escape status, the DEC Records Office staff will stamp all current visitor application forms in the classification file "DELETED". The Pass Clerk will delete these previously approved visitor names from any computer records of approved visitors for this inmate.
- B. If the parolee, escape status, bonded or RFP inmate is returned to the facility, the Pass Clerk will ensure that the inmate's prior visiting list has been deleted on the Visiting Database system.
- C. Returned parolees, escape status, bonded and RFP inmates will be required to re-submit VRF's for processing.
- D. When a 90 Day Evaluator returns to the DEC as a NDCS Inmate within 30 days from his release, the inmate may submit an Inmate Interview Request to the Pass Clerk or the Warden requesting their previous visitation list be reinstated.
- E. County and Federal safekeepers who return to the DEC as a committed inmate are required to re-submit VRF's for processing.
- F. Visitation lists for inmates returning from the Work Ethic Camp, Community Corrections Center – Lincoln and Community Corrections Center – Omaha will remain active.

XXI. Attorney, Public Official and Clergy Visits

- A. Attorneys of record and public officials may visit inmates at the DEC without placement on an inmate's visiting list. These individuals will be allowed to visit at any time; provided they do not interfere with counts, security measures or emergencies and that they take place during reasonable hours. Reasonable hours are defined as occurring between 8:00 a.m. and 8:00 p.m. seven days a week. Public officials specified in 83-116 (a), (b), (c), and (d) may visit at any time.
- B. Prior to entry into the visiting area, proper identification must be verified on all attorneys, public officials and clergy members.
 - 1. The Nebraska Blue Book, the Nebraska State Government Directory and the Nebraska Criminal Justice Directory will be kept in Main Control to identify State Officials.
 - 2. Attorneys will be required to prove their identity with a current State Bar card.
 - 3. Other officials will be required to prove their identity with the appropriate form of identification (i.e. a badge and identification card for law enforcement officers).
 - 4. No visitor, including law enforcement officials will be allowed to bring the following items into the Visiting Area:
 - (a) Firearms

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- (b) Weapons of any kind
- (c) Chemical Agents
- (d) Ammunition

These items must be turned in to the Main Control Center or secured in the vehicle sallyport lockers for the duration of the visit.

- C. Attorneys of record who utilize paralegals to conduct legal research regarding an inmate's case must first forward a letter to the Warden identifying the paralegal, the inmate client and the nature of the business to be conducted. No person acting in the capacity of the paralegal will be admitted into the institution without a letter of endorsement from his/her attorney of record.
- D. Members of the Clergy who wish to visit at the DEC will be required to complete the Nebraska Department of Correctional Services Clergy Visitation Request Form (Attachment 7).

Information on the Clergy Visitation Request Form includes the following:

- 1. The Name and number of the inmate who has requested the clergy visitation.
- 2. The name and address of the governing office of the clergy member's particular religious organization.
- 3. Documents which will provide verification of the clergy member's current credentials:
 - a. **ORDAINED MINISTERS** - A photocopy of their ordination paper and a letter of good standing from the religious judicatory.
 - b. **LICENSED MINISTERS** - A photocopy of the Clergy member's license and a letter of good standing from the religious judicatory.
 - c. **LAY RELIGIOUS LEADERS** - A letter from the governing religious body defining the process for obtaining lay ministry status and stating that the applicant has been appointed as a lay religious leader assigned to visit inmates. The authorizing body must be identified.
- E. In addition to the Clergy Visitation Request Form, applicants who wish to be placed on the Clergy Visitation List shall complete and submit to the Religious Coordinator a Nebraska Department of Correctional Services Clergy Visiting Application (Attachment 7).
- F. The Religious Coordinator shall review the applicant's credentials, ensure that an NCIC criminal history check is performed on the applicant, and inform the inmate to be visited if the applicant is approved or disapproved for Clergy visiting privileges at the Diagnostic and Evaluation Center.

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- G. The Pass Clerk will maintain a list of all approved Clergy.

- H. The Religious Coordinator shall complete a review of all Clergy visitors at least annually.

- I. General Clergy Visitation Guidelines
 - 1. Ministers/lay religious leaders must confine their visits to inmates on their visiting lists. They cannot be on any inmate's family and friends visiting lists and have ministerial/clergy visiting status.
 - 2. Communion may be offered to inmates by religious leaders during visits. However, wine may not be brought into the institution. Grape juice may be used. Advance notice of communion is required so that the proper area may be reserved. Juice must be in the original sealed container. NO GLASS IS ALLOWED (bottles, containers, cups, etc). Only enough bread required for those taking communion will be permitted into the visiting room. Wafers are preferred. All bread and juice not consumed must be taken out of the institution by the religious leader.
 - 3. Visiting clergy may bring one book containing the tenets of his/her faith, and one additional religious book for instructional purposes. NO MATERIALS MAY BE LEFT WITH THE INMATE. Materials mailed to the inmate MUST come directly from the publisher or distributor and must be in the original packaging. The DEC inmates are not allowed to possess audio recordings.
 - 4. Visiting clergy are subject to a pat search before visitation. Materials will be searched upon entrance and exit from the institution.
 - 5. Visiting clergy are required to abide by all published rules applicable to visitors in the institution.
 - 6. If a member of the Clergy arrives at the facility other than during these reasonable hours and claims a need for a visit with an inmate due to an emergency situation (e.g. death, injury, or serious illness of an immediate family member), the clergy will relay complete background information to the Main Control Corporal/Officer by telephone. The Shift Supervisor will verify the emergency information as received. Upon verification and approval, reasonable efforts will be made to escort the inmate to the Visiting Room for the requested visit. The Pass Clerk will maintain a list of all approved Clergy.

- J. Special interview rooms located in the visiting area will be utilized for visits with Attorneys and/or Clergy. If all of these rooms are in use, staff will ask the visitor if he/she would like to visit in the general population visiting room. If that option is not acceptable, he/she will be asked to wait until one of the interview rooms becomes available.

- K. Whenever any of these interview rooms are in use, the Pass Clerk shall perform random

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security checks. No conversations between inmates and attorneys shall be overheard, recorded or listened to in any manner. All reasonable precautions shall be taken to preserve the confidentiality of the attorney/client relationship.

- L. The Pass Clerk will verify the Clergy's status on the Clergy Database prior to logging the clergy in on the visiting database.

XXII. Inmates Housed in the DEC SNF

Inmates are housed in the DEC SNF for a variety of reasons and visitation for these inmates must be considered individually based on custody status security and medical considerations.

A. Medical Patients

All inmates who are medical patients in the DEC SNF will visit on Wednesday mornings from 8:00 a.m. to 10:50 a.m.

If medical staff determines that an inmate who is a medical patient in the SNF is physically unable to leave his room, approval may be sought to have the visitor(s) brought to the patient's room.

The Warden/designee and the senior medical staff person on duty, or the Medical O.D. (on weekends, holidays, and evenings) must approve all visits that will take place in the DEC SNF.

B. Boarder Status Inmates

Boarder status inmates are general population inmates, and may be treated as all other general population inmates with regard to visiting. Medical circumstances may require a boarder status inmate to visit during the Wednesday morning session. These visits will be approved by the Warden/designee with medical consultation.

C. Inmates Confined in Therapeutic Restraints

Inmates in therapeutic restraints are deemed to be dangerous to themselves and/or others. Inmates who are in therapeutic restraints shall not be allowed visits. Therapeutic restraints are a temporary condition, and this restriction is only applicable while the inmate is in therapeutic restraints.

D. Inmates on Plan "A" or Plan "B"

1. Inmates on Plan "A" or Plan "B" must have their visits approved on a case-by-case basis by the following authorities:
 - a. The Warden/designee
 - b. The Chief Medical Staff person or the Medical O.D.
 - c. The Major/designee

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d. The Mental Health Department

2. If permission to visit is granted, then the inmate on Plan "A" or Plan "B" must be transported to the Visiting Area in full restraints (belt, cuffs and leg irons), and remain in full restraints throughout the duration of the visit.
3. Inmates on Plan "A" or Plan "B" shall visit on Wednesday mornings from 0800-1050, if approved.

XXIII. Inmates Housed in a Community Hospital

**As a general rule, inmates will not be approved to have visitors when admitted to a community hospital except for life-threatening situations and child-birth. Only under these circumstances, visits will be restricted to immediate family members on the inmates approved visiting list.*

- A. Visits for inmates housed in a community hospital must be approved in advance through the Warden by the Deputy Director of Institutions. No more than two visitors will be permitted to visit at the same time, with no more than two one hour sessions per day.
- B. Prior to the visit, the visitor will report to the housing facility that the inmate is currently assigned. The visitor will obtain two copies of the visitor pass, one to keep on their person at all times while on the visit, one to turn into the community hospital security office. NDCS staff will also provide a copy of the visiting protocols applicable to the community hospital.
- C. The visitors shall then report to the hospital and present the Visiting Pass to the Hospital Duty Officer/Security Office. No person shall be allowed to visit who has not presented a valid Visiting Pass and I.D. to the Officer or of whom the Officer has not received advance notification from the Shift Supervisor/Pass Clerk. Both conditions must be satisfied before a visit can occur.
 1. The visitors will be pat searched prior to visit.
 2. The visitor will not be allowed to bring personal belongings in to the hospital room that would not be allowed in the institution's Visiting Room.
 3. The visitor and inmate will adhere to both the same visiting regulations as the inmates visiting at the institution and the community hospital established visiting policies.
 4. Inmates will be allowed a short embrace and kiss prior to and after the visit and will not have any physical contact during the visit except for holding hands.
 5. If the visitor or inmate fails to follow visiting regulations or becomes disruptive to hospital staff in any way, a warning will be given to correct the behavior or the visit will be terminated.
 6. If the inmate and/or visitor refuse to adjust their behavior, the visit will be terminated and the Shift Supervisor notified. This action should be followed up with an Incident Report to the Unit Administrator and Misconduct Report to the Shift Supervisor.

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XXIV. Notification of Visitors/Inmate Change of Status

- A. Each inmate will designate an immediate family member or visitor to be contacted in the event of an emergency or major change of status, and to coordinate the weekly desired visiting days. A major change of status shall be considered transfer from one major facility to another, such as from the DEC to the Nebraska State Penitentiary (NSP), or from a Community Corrections Center back to the DEC.
- B. It is the responsibility of the inmate to notify any visitor(s) of all intra or inter-institutional program changes, such as a change in Housing Unit assignment or transfer from a Housing Unit to segregation. Where the inmate is unable or not allowed to personally notify someone, the Warden or his/her designee shall notify a visitor of the change of status. If, after a reasonable effort, the Warden or his/her designee is unable to contact a visitor to relay a major change in status, then the inmate will be so notified.

XXV. Transportation of Visitors

Visiting room staff will maintain up-to-date information regarding public transportation routes and taxi fare. An area street map will be issued to mark transportation routes as to their proximity to the institution. Such maps will be made available in all visiting areas and at the visiting desk to any visitor who requests one (4-4504).

XXVI. Visiting Contacts

The Unit Administrator is the person to contact for problems or questions concerning visits. Pertinent telephone numbers/addresses are as follows:

1. Community Corrections Center – Lincoln (CCC-L)
2720 West Van Dorn
Lincoln, NE 68522
(402) 471-6271
2. Community Correctional Center-Omaha (CCC-O)
2320 East Avenue J
Omaha, NE 68102
(402) 595-2010
3. Diagnostic and Evaluation Center (DEC)
P.O. Box 22800
Lincoln, NE 68542
(402) 471-3330

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4. Lincoln Correctional Center (LCC)
P.O. Box 22800
Lincoln, NE 68542
(402) 471-2861

5. Nebraska Correctional Center for Women (NCCW)
Route 1, Box 33
York, NE 68467
(402) 362-3317

6. Nebraska Correctional Youth Facility (NCYF)
2610 North 20th East
Omaha, NE 68110
(402) 595-2000

7. Nebraska State Penitentiary (NSP)
P.O. Box 2500
Lincoln, NE 68542
(402) 471-3161

8. Omaha Correctional Center (OCC)
2323 East Avenue J
Omaha, NE 68110
(402) 595-3963

9. Tecumseh State Correctional Institution. (TSCI)
P.O. Box 900
Tecumseh, NE 68450
(402) 335-5998

Attachments:

1. Visitation Request Form (DCS-A-adm-012).
2. Special/Extended/Emergency Visit Request (DCS-A-adm-034)
3. Inmate Summary of Crimes Against Minors Form (DCS-A-adm-104-pc)
4. Crimes Against Minor-Aged Victims Form (DCS-A-adm-105-pc)
5. NDCS Visitor Deletion Form (DCS-A-adm-063)
6. Inmate Property Form (DCS-A-sec-004)
7. NDCS Clergy Visitation Application / Request Form (DCS-A-rel-002-pc).
8. Community hospital inmate information sheet
9. NDCS protocol for Bryan Medical Center Hospitals

Reference:

1. Nebraska State Statutes: Section 83-173 and 83-186.

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2. Department of Correctional Services Rules and Regulations Chapter 4.
3. Administrative Regulation 205.02.
4. ACA Standards: 4-4150, 4-4156, 4-4267, 4-4275, 4-4498, 4-4499, 4-4499-1, 4-4500, 4-4501, 4-4503, and 4-4504.